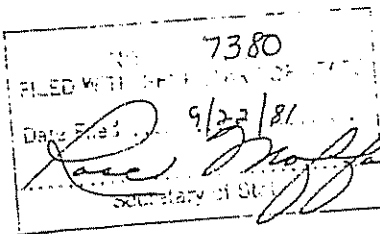


A.G. CONTRACT NO. 81-525



F-045-1-921
JCT. I-10 - MESA HWY.
Southern Ave. - 8th Ave.

INTERGOVERNMENTAL AGREEMENT

PARTIES

THIS AGREEMENT is entered into this 1st day of September, 1981, by and between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION, hereinafter called "State", and the CITY OF MESA, a municipal corporation, acting by and through its City Council.

AUTHORITY

WHEREAS, State is empowered by Arizona Revised Statutes Section 26-108 to enter into this agreement, and the Director of the Arizona Department of Transportation has delegated to the undersigned the authorization to execute the same on behalf of State; and

WHEREAS, City is empowered by Arizona Revised Statutes Section 9-672 to enter into this agreement, and acting by and through its duly elected governing body, has, by that certain resolution attached hereto and made a part hereof as Exhibit "A", resolved to enter into this agreement, and has authorized the undersigned as its representative to execute the same on behalf of City; and

PURPOSE

WHEREAS, City has designed a storm drain system for Country Club Drive (S.R. 87) between Southern Avenue and 8th Avenue, using a 60-inch diameter pipe in order to accommodate the direct runoff from Country Club Drive as well as city streets in the area; and

WHEREAS, the runoff from said city streets would only require a 48-inch diameter pipe; and

WHEREAS, State would benefit from said drain system as it would handle the runoff water from Country Club Drive which is a designated State Highway; and

WHEREAS, City has requested that State share in the cost of said project by an amount attributable to the additional cost resulting from the use of a 60-inch pipe as compared to a 48-inch pipe.

METHOD

THEREFORE, the parties hereto covenant and agree as follows:

STATE SHALL:

Deposit with City the amount of FIFTY THOUSAND EIGHT HUNDRED DOLLARS (\$50,800), as its only obligation hereunder, to be used by City for the construction of said storm drain system.

CITY SHALL:

1. Use the funds received from State only for the construction costs of said storm drain system, which shall include the aforesaid 60-inch diameter pipe.

2. Pay all additional costs required to complete the construction of said drain system and make it operative.

3. Save and hold State harmless from all liability arising from the construction and operation of said storm drain system.

4. Maintenance of said storm drain system shall be City's responsibility.

IN GENERAL

1. All parties are hereby put on notice that this Agreement is subject to cancellation by the Governor, pursuant to Arizona Revised Statutes, Section 33-311.

2. This Agreement shall remain in force and effect until the work herein embraced has been completed in accordance with the terms of the Agreement or until earlier terminated by either STATE or CITY upon thirty (30) days written notice of that intent, except, however, that the parties hereto shall retain any continuing obligations contemplated by this Agreement. In the event of such termination a determination shall be made by both parties hereto as to the benefits each shall derive from the construction done as of the date of termination and a pro rata refund made to each party reasonably commensurate with such benefits.

3. This Agreement shall be filed with the Secretary of State and shall become effective on the filing date.

4. Attached to this Agreement and incorporated herein by reference is Exhibit "B" which is a copy of the written determination of the appropriate attorney that CITY is authorized under the laws of this State to enter into this Agreement and that it is in proper form.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first written above.

CITY OF MESA

By: C. H. Roth

Title: City Mgr.

ATTEST: Barbara L. Lora
CITY CLERK

STATE OF ARIZONA
DEPARTMENT OF TRANSPORTATION

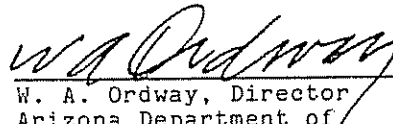
J. P. Hertz
J. P. Hertz
Chief Deputy State Engineer

WRL:da
6-11-91

RESOLUTION

BE IT RESOLVED on this 23rd day of June, 1981, that I, W. A. Ordway, as Director, ARIZONA DEPARTMENT OF TRANSPORTATION, have determined that it is in the best interests of the State of Arizona that the DEPARTMENT OF TRANSPORTATION, acting by and through the Highways Division, enter into an Intergovernmental Agreement with the City of Mesa for joint development of a storm drainage system for S.R. 87 (Country Club Drive) and adjacent city streets.

Therefore, authorization is hereby given to draft said Agreement which, upon completion, shall be submitted for approval and execution by the Chief Deputy State Engineer.


W. A. Ordway, Director
Arizona Department of
Transportation

WRL:da
6-19-81

RESOLUTION NO. 4947

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE ARIZONA DEPARTMENT OF TRANSPORTATION FOR PARTICIPATION IN THE SOUTH COUNTRY CLUB DRIVE STORM DRAIN SYSTEM.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

Section 1: That the Intergovernmental Agreement between the City of Mesa and the Arizona Department of Transportation for participation by the Arizona Department of Transportation in the South Country Club Drive storm drain system, a true and correct copy of which agreement is attached to this resolution, is hereby approved.

Section 2: That the City Manager is authorized and directed on behalf of the City of Mesa to execute the agreement, and the City Clerk is authorized and directed to attest to the signature of the City Manager thereon.

PASSED AND ADOPTED by the City Council of the City of Mesa, Maricopa County, Arizona, this 20th day of July, 1981.

APPROVED:

Don W. (Frank)
Mayor

ATTEST:

Forthe Lana
City Clerk

EXHIBIT "B"

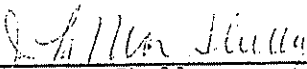
DETERMINATION OF CITY ATTORNEY

I have examined the attached Intergovernmental Agreement identified as:

F-045-1-921
JCT. I-10 - MESA HWY.
Southern Ave. - 8th Ave.

between the the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION, and the CITY OF MESA, and in my opinion the CITY OF MESA is authorized, under the laws of this state and pursuant to the provisions of its charter to enter into this agreement, and that the agreement is in proper form. Section 103 of the Mesa City Charter authorizes the city to enter into this agreement as does A.R.S. Section 9-672.

DATED this 18th day of August, 1981.



J. Lamar Shelley
City Attorney
CITY OF MESA



OFFICE OF THE
Attorney General

1801 WEST JEFFERSON STREET
FOURTH FLOOR
PHOENIX ARIZONA 85007

ROBERT K. CORBIN
ATTORNEY GENERAL

INTERGOVERNMENTAL AGREEMENT

DETERMINATION

A. G. Contract No. 81-523, which is an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in proper form and is within the powers and authority granted to the State or its agencies under the laws of the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 18 day of September, 1981.

ROBERT K. CORBIN
Attorney General

Assistant Attorney General
Transportation Division